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Ray Shifts Counsel, Seeks Trial Delay

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MEMPHIS, Tenn., Nov. 10 (AP)—James Earl Ray, charged with murder in the assassination of Dr. Martin Luther King Jr., switched his attorney tonight and set the stage for a continuance of his trial.

Shelby County Sheriff William N. Norris Jr. told a late night news conference that Ray had signed a letter of intent to hire the noted criminal attorney, Percy Foreman of Texas, to represent him.

"Mr. Foreman has told me that it is his intention to appear before Judge W. Preston Battle Tuesday at 9:30 a.m. to request a continuance in the trial of the case pending against James Earl Ray," Morris said.

Foreman will replace Arthur J. Hanes of Birmingham. He is expected to request a 30-day continuance to familiarize himself with the case.

Hanes had told the court once earlier that serious difficulties had arisen between him and Ray over the conduct of the trial and that at some date he might have to withdraw as counsel.

Morris said Foreman, who once represented Jack Ruby and was defense counsel in the murder trial of heiress Candace Mossler, came to the jail today with two of Ray's brothers, John and Jerry Ray.

The sheriff said the three asked to see Ray and during the visit "certain decisions were made and a letter was written" to Hanes.

"This letter was presented to me for reading by Mr. Foreman and it declared an intent by James Earl Ray to dispense

See RAY, A3, Col. 4

Associated Press

PERCY FOREMAN
. . . new Ray counsel

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RAY, From A1

with the legal services of Mr. Hanes and his son and of an intention to obtain new counsel and a Tennessee lawyer," Morris said. There was no immediate indication of who this Tennessee attorney would be.

Hanes told newsmen later that he would not object to the motion Tuesday. There was no indication when any new trial date might be.

King was shot to death here April 4 while in Memphis to support striking city garbage workers. Ray was arrested in London June 8 at the end of an extensive manhunt and returned to Memphis July 19.

Ray has been held in a jail cell since then, under constant surveillance by closed circuit television and two guards. A tight no-publicity order was invoked by Battle, who is to preside at the trial.

Foreman, 66, defended Jack Ruby for four days following the assassination of President Kennedy and the slaying of Lee Harvey Oswald in 1963.

"You know I don't let people tell me what to do in a case," Foreman told Ruby in a letter advising him he was withdrawing as defense attorney.

Foreman, 6-foot-4 and 250 pounds, successfully defended Mrs. Candace Mossler and her nephew, Melvin Powers, in a sensational murder trial in Florida. Reputedly, his fees from the Mossler case increased his already great wealth by a considerable amount.

Once compared to Clarence Darrow, Foreman replied, "I've tried more murder cases in a year than Darrow did in a lifetime."

Born in a log cabin near Livingston in piney woods Southeast Texas, Foreman was one of a county sheriff's eight children.

During his 41 years of legal practice, Foreman has been called "flamboyant," "a study in contradictions" and a "cad and a louse."

Two law enforcement officers once beat up Foreman after he won a murder case acquittal. A month earlier, 200 Texas officers had given him a diamond-studded watch after his successful defense, without fee, of four policemen accused of brutality.

"Forgive them, Lord, they know not what they do," Foreman said of the beating incident.

The colorful attorney has been acquitted on charges of adultery, operating a policy racket and using abusive language. He has paid fines for letting weeds grow too high on his property, and he paid $23 in parking tickets at once, getting 105 dismissed.

Foreman was once beaten by the widow of a man whose accused slayer he freed. Another time, he was struck by the nurse of a woman whose husband he represented in a divorce action.

"In such cases, what was once love turns to hate and they can't hate themselves so they hate the lawyer," Foreman said.

Earlier, the Los Angeles Times set the trial stage:

The courtroom, equipped with 77 specially installed auditorium chairs—replacing the old oak benches—is almost directly below the suite of cells where Ray has been confined in tight security, monitored by television sets and watched closely by guards. He was jailed here July 19.

Ray's fingerprints, according to FBI testimony in London at an extradition hearing, were found on a rifle, telescopic lens and a pair of binoculars dropped by a white man near a flophouse from which the shot that killed Dr. King was fired.

On Oct. 28, the Nashville Tennessean reported the defense will say Ray was promised $12,000 to $15,000 "to lead police away from the real killers and become the lure in the greatest manhunt in history."

The known cast of characters in the courtroom drama include:

Ray: Born in Alton, Ill., eldest of nine children, escaped from the Missouri State Penitentiary on April 23, 1967, with a record that included burglary, robbery, forging U.S. postal money orders and armed robbery.

Charles Q. Stephens: A disabled war veteran and flophouse tenant who was in the room next to the one occupied several hours on the afternoon of April 4 by the man who fired at Dr. King from a bathroom window. Stephens, now under constant police guard, has said he saw the left profile of the man in the flophouse and later identified it from mugshots as "very much like" James Earl Ray.

High L. Baker: A salesman in a Birmingham sporting goods store from whom a man purchased a 243 Winchester rifle, and then exchanged it the next day for a 30-06 Remington rifle found later near the flophouse where it had been dropped. Donald Wood, the store owner to whom the gun was returned, has identified Ray from police photos as the man who brought the gun back.

In the crowded courtroom, when the trial begins, will be John and Jerry Ray, brothers of the defendant. The Southern Christian Leadership Conference, which Dr. King headed, is expected to send an observer but members of Dr. King's family probably will not attend.

The trial, expected to last six weeks, probably will be one of the most tightly-guarded and security-conscious in the history of U.S. jurisprudence, according to legal sources here. Much of the old building has been renovated not only with steel bars, electronic doors and stainless steel mesh on every window, but also with a new coat of white paint inside and a general sprucing up outside.